

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

AMERICAN GUARANTEE & LIABILITY INSURANCE COMPANY,)	
)	
)	
Plaintiff,)	
)	
)	
vs.)	Case No. 3:16-cv-00129
)	
NORFOLK SOUTHERN RAILWAY COMPANY, NORFOLK SOUTHERN CORPORATION, EAST COAST RIGHT OF WAY MAINTENANCE, INC., AND THE CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY,)	District Judge Harry S. Mattice, Jr.
)	
)	
)	
Defendants.)	Magistrate Judge C. Clifford Shirley, Jr.
)	
)	

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties by and through their undersigned counsel of record who have appeared, hereby stipulate to the voluntary dismissal with prejudice of all claims of American Guarantee & Liability Insurance Company, Norfolk Southern Railway Company, Norfolk Southern Corporation, and East Coast Right of Way Maintenance, Inc. including the dismissal with prejudice of the Complaint and all Counterclaims and Cross-Claims. Cincinnati Specialty Underwriters Insurance Company was previously dismissed from this matter.

All parties will bear their own costs, court costs, expert fees, expenses, and attorneys' fees.

Respectfully submitted,

By: s/William H. Tate

William H. Tate (#6797)

Howard Tate Sowell Wilson Leathers & Johnson, PLLC

201 Fourth Avenue North, Suite 1900

Nashville, Tennessee 37219

(615) 256-1125

Attorneys for American Guarantee and Liability Insurance Company

By: s/Donald R. McMinn

Donald R. McMinn, Esq. (*pro hac vice*)

Hollingsworth LLP

1350 I Street, NW

Washington, DC 20005

(202) 898-3800

dmcminn@hollingsworthllp.com

Emily L. Herman-Thompson, Esq. (No. 021518)

Baker, O'Kane, Atkins & Thompson, PLLP

2607 Kingston Pike, Suite 200

Post Office Box 1708

Knoxville, TN 37919

(865) 637-5600

(865) 637-5608 (fax)

ethompson@boatlf.com

Attorneys for Norfolk Southern Railway Company and Norfolk Southern Corporation

By : s/Benjamin W. Jones

Benjamin W. Jones, Esq. (No. 020156)

Lewis, Thomason, King, Krieg

& Waldrop, P.C. (Knox)

One Centre Square, 5th Floor

Knoxville, TN 37901

E-mail: bjones@lewisking.com

Attorneys for East Coast Right of Way Maintenance, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 27 day of November 2017, a copy of the Stipulation of Dismissal with Prejudice was filed electronically with the Clerk's office by using the CM/ECF system and served electronically upon the parties through the Court's ECF system and by email.

s/William H. Tate
William H. Tate